



October 5, 1999

Ms. Beth McBeth
Executive Director
Hale County Crisis Center, Inc.
P.O. Box 326
Plainview, Texas 79073-0326

OR99-2829

Dear Ms. McBeth:

You ask this office to reconsider our ruling in Open Records Letter No. 99-1519 (1999). Your request for reconsideration was assigned ID# 127035.

The Hale County Crisis Center, Inc. (the "center") received a request for eleven categories of information including daily logs, donation sheets, phone logs, phone billing records, board meeting minutes, executive director daily log sheets, and safe home director log sheets. In Open Records Letter No. 99-1519, we ruled, among other things, that the center could not redact the names of its clients from the responsive documents because the center failed to cite a provision of law that would require this information to be withheld.

In your request for reconsideration, you assert for the first time that the names of the center's clients are confidential by law. We note that a governmental body must raise its exceptions to disclosure within ten business days of receiving a written request for information. *See* Gov't Code § 552.301. You did not meet your burden under section 552.301(a). However, because the release of the information will implicate a third party's interests, we will consider your arguments under section 552.101 of the Government Code.

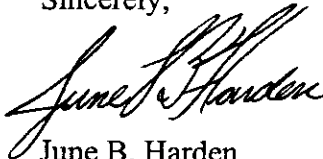
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You state that the center has established rules against releasing the identities of its past residents. It is well established that governmental bodies are generally prohibited from entering into contracts to keep information confidential. Open Records Decision Nos. 514 (1988), 484 (1987), 479 (1987).

Furthermore, information is not excepted from disclosure merely because the individual furnishing such information does so with the expectation that access to the information will be restricted. *See generally Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976), *cert. denied*, 358 U.S. 931 (1977).

We note, however, that this office has previously determined that identifying information about individuals may be withheld pursuant to common-law privacy upon a demonstration of "truly exceptional circumstances such as, for instance, an imminent threat of physical danger." Open Records Decision No. 169 at 6 (1977); *see Industrial Found.*, 540 S.W.2d at 683-85 (common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public). We believe that the fact that individuals must currently reside in a safe home necessarily demonstrates such an exceptional circumstance so as to implicate those individuals' right of privacy under Open Records Decision No. 169 (1977). We conclude, therefore, that the center must withhold the names of all current residents of the safe house pursuant to section 552.101 of the Government Code. On the other hand, the names of former residents of the safe house presumably are no longer in such imminent danger. Therefore, the center may not withhold the names of the former residents on privacy grounds. *See* ORD 169. Accordingly, the names of former residents must be released. Open Records Letter No. 99-1519 is overruled to the extent that it conflicts with this ruling.

If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 127035

Encl. Submitted documents

cc: Ms. Leah Fryer
P.O. Box 1446
Kemah, Texas 77565
(w/o enclosures)